

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

OTAY ACQUISITIONS LP,

Plaintiff and Appellant,

v.

CITY OF SAN DIEGO,

Defendant and Respondent.

E046939

(Super.Ct.No. 753247)

**ORDER MODIFYING OPINION
AND DENYING REHEARING**

[NO CHANGE IN JUDGEMENT]

THE COURT

Respondent's petition for rehearing is denied. The opinion filed in this matter on June 7, 2010, is modified as follows:

1. On page 18, the subheading "Otay Acquisitions LLC's Government Code Claim Substantially Complied with Section 910" is deleted. The following subheading is inserted in its place:

The Complaint Can Be Amended to Allege Substantial
Compliance With Section 910

The opinion remains otherwise unchanged. This modification does not effect a change in the judgment.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

/s/ McKinster
Acting P.J.

We concur:

/s/ Richli
J.

/s/ King
J.